

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEBBIE ROHN, et al.,

Plaintiffs,

Case No. 1:14-cv-83

v.

HON. JANET T. NEFF

VIACOM INTERNATIONAL, INC., et al.,

Defendants.

**ORDER**

This matter is before the Court on Plaintiffs' First Amended Complaint (Dkt 76), the parties' Joint Notice Indicating Resolution Status of Parties (Dkt 77), and Plaintiffs and Defendants Shopzilla, Inc. and Etsy, Inc.'s Stipulation and Proposed Order Extending Time to Respond to Plaintiffs' Amended Complaint (Dkt 78).

On June 3, 2014, the Court conducted a status conference. At the conference, counsel requested time to attempt to negotiate a resolution of some of the claims, and counsel for Plaintiffs agreed to amend the complaint to reflect the status of the parties and claims and otherwise conform to the Court's instructions at the conference. Later that same day, the Court issued an order setting forth deadlines for the parties' joint notice re resolution and Plaintiffs' amended complaint (Dkt 75).

On July 1, 2014, Plaintiffs filed their First Amended Complaint (Dkt 76). Upon review of the amended complaint, the Court finds that Plaintiffs failed to comply with the instructions set forth at the conference. First, Plaintiffs failed to correct the party names for Defendants Kohl's Corporation and Journeys Kidz, initially identified as Journeys for Kidz, consistent with the Stipulations and Proposed

Orders (Dkts 55, 56). Second, Plaintiffs filed the amended complaint prior to resolution attempts for all parties. For these reasons, Plaintiffs's amended complaint will be stricken.

On July 3, 2014, the parties filed a Joint Notice Indicating Resolution Status of Parties (Dkt 77) concerning their efforts to resolve this case. Although Plaintiffs were unable to reach a resolution with the majority of the Defendants, the parties requested an additional fifteen (15) days for Plaintiffs and Defendants NexTag, Inc., Cafepress, Inc., Shopzilla, Inc., and Etsy, Inc. to conclude their negotiations and determine whether a resolution may be reached. The Court, having reviewed the parties' request, finds that the extension is warranted, but warns that additional requests for an extension will not be favored.

On July 7, 2014, Plaintiffs and Defendants Shopzilla, Inc. and Etsy, Inc. filed a Stipulation and Proposed Order Extending Time to Respond to Plaintiffs' Amended Complaint (Dkt 78). In light of Plaintiffs' amended complaint being stricken, the Court will dismiss as moot the stipulation and proposed order. Therefore,

**IT IS HEREBY ORDERED** that the parties shall, **not later than July 22, 2014**, jointly file a notice indicating:

- (1) which, if any, parties have reached a resolution in this case; or
- (2) that the parties were unable to reach any resolutions at this time.

**IT IS FURTHER ORDERED** that Plaintiffs' First Amended Complaint (Dkt 76) is STRICKEN. Plaintiffs shall, no earlier than the joint notice and no later than seven (7) days after the filing of the joint notice, file an amended complaint consistent with the instructions set forth at the June 3, 2014 status conference.

**IT IS FURTHER ORDERED** that Plaintiffs and Defendants Shopzilla, Inc. and Etsy, Inc.'s Stipulation and Proposed Order Extending Time to Respond to Plaintiffs' Amended Complaint (Dkt 78) is DISMISSED as moot.

Dated: July 7, 2014

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge